

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

IN RE GOOGLE INC. COOKIE
PLACEMENT CONSUMER PRIVACY
LITIGATION

C.A. 12-MD-2358 (SLR)

This Document Relates to:
All Actions

**STIPULATION AND [PROPOSED] ORDER RE:
PAGE LIMITS AND TIMING FOR BRIEFING ON GOOGLE’S MOTION TO DISMISS**

WHEREAS, this multidistrict litigation consists of 24 consolidated class actions assigned to this Court by the Judicial Panel on Multidistrict Litigation;

WHEREAS, Plaintiffs in the consolidated actions filed a 79-page consolidated amended complaint (“CAC”) on December 19, 2012 on behalf of a putative nationwide class of plaintiffs against defendant Google Inc. (“Google”) and four other defendants;

WHEREAS, in the CAC Plaintiffs assert 3 claims against all defendants:

- (1) the Electronic Communication Privacy Act, 18 U.S.C. § 2510, et seq.;
- (2) the Stored Communications Act, 18 U.S.C. § 2701, et seq.;
- (3) the Computer Fraud and Abuse Act, 18 U.S.C. § 1030;

WHEREAS, in the CAC Plaintiffs assert 6 additional claims against Google that are not asserted against any other defendant:

- (4) Invasion of Privacy;
- (5) Intrusion upon Seclusion;
- (6) the California Unfair Competition Law, Bus. & Prof. Code § 17200, et seq.;

(7) the California Computer Crime Law, Penal Code § 502;

(8) the California Invasion of Privacy Act, Penal Code § 630, et seq.; and

(9) the California Consumers Legal Remedies Act, Civil Code § 1750, et seq.;

WHEREAS, the CAC asserts one set of factual allegations against all defendants pertaining to the operation of the Apple Safari web browser and the actions of all defendants relating to that browser;

WHEREAS, the CAC also asserts a second set of factual allegations against Google pertaining to the operation of the Microsoft Internet Explorer web browser, the P3P protocol, and the actions of Google relating to that browser and P3P protocol;

WHEREAS, Google will be responding to the CAC by filing a Motion to Dismiss the CAC under Rule 12 of the Federal Rules of Civil Procedure;

WHEREAS, Civil Local Rule 7.1.3(a)(4) imposes a 20-page limit for briefs in support of or in opposition to a motion to dismiss, and a 10-page limit for reply briefs;

WHEREAS, Google has requested and the Plaintiffs have agreed to an enlargement of the page limits in Civil Local Rule 7.1.3(a)(4);

WHEREAS, Civil Local Rule 7.1.2(b) imposes a deadline of 14 days from the date of service for responses to motions, and a deadline of 7 days for replies;

WHEREAS, the Plaintiffs have requested and Google has agreed to an enlargement of the time to respond to the Motion to Dismiss the CAC;

WHEREAS, the parties have agreed that an enlargement of Local Rule 7.1.3(a)(4)'s page limits and an enlargement of Local Rule 7.1.2(b)'s time limits will enable the parties better to provide properly developed arguments beneficial to the Court in ruling upon Google's Motion to Dismiss;

THEREFORE, IT IS STIPULATED AND AGREED by the undersigned parties, through their respective counsel of record, subject to approval by the Court, that:

1) The page limits of Civil Local Rule 7.1.3(a)(4) be modified as follows: Opening and answering briefs filed by a party supporting or opposing Google's motion to dismiss shall not exceed 35 pages and any reply brief shall not exceed 17 pages, exclusive of any table of contents or table of citations.

2) The time limits of Civil Local Rule 7.1.2(b) be modified as follows: Plaintiffs' response to Google's motion to dismiss shall be due on February 26, 2013, and Google's reply thereto shall be due on March 19, 2013.

IT IS SO STIPULATED.

Dated: January 8, 2013

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Counsel for Defendant Google Inc.

SO ORDERED on this _____ day of _____, 2013.

Hon. Sue L. Robinson
United States District Judge